

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DONNA UHL, Personal Representative of
the Estate of LYNN UHL and DONNA
UHL, Individually,

Plaintiff,

Case No: 04-10148-BC
Honorable David M. Lawson

and

LIBERTY MUTUAL INSURANCE
COMPANY,

Intervening Plaintiff,

v.

KOMATSU FORKLIFT CO. LTD,
and KOMATSU FORKLIFT, USA, INC.,

Defendants,

_____ /

ORDER OF DISMISSAL

The plaintiff, Donna Uhl, filed this action claiming damages resulting from the death of the decedent, Lynn Uhl. The plaintiff alleges that her decedent's death was caused by a defective product manufactured by the defendants. The parties filed a stipulation certifying that the case was submitted to binding arbitration and on August 18, 2006, that process was completed. On August 29, 2006, the Court received the stipulation from the parties requesting that the Court now dismiss the matter with prejudice and retain jurisdiction for the limited purpose of enforcing the arbitration award. In light of the parties' stipulation, the Court will dismiss the case with prejudice subject, however, to the specific conditions described below.

Accordingly, it is **ORDERED** that the matter is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that either party may apply to the Court to reopen the matter for the purpose of enforcing, confirming, or vacating, as appropriate, the arbitral award.

It is further **ORDERED** that this Court shall retain jurisdiction to review and enforce or vacate the arbitral award.

It is further **ORDERED** that the language of this order controls over the filed stipulation of the parties in the event of a conflict.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: August 30, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order and the magistrates judge's report and recommendation dated June 6, 2005 was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 30, 2006.

s/Tracy A. Jacobs

TRACY A. JACOBS